THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 1808 of 2005

Dated 27.9.2005

Between:

Maidam Vissaiah, S/o. Lasmaiah,
R/o. Nambala Village, Rebbana Mandal, Adilabad District.

..... APPELLANT

AND

1 The Commissioner, Endowments Department,
A.P. at Hyderabad.

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WRIT APPEAL NO : 1808 of 2005

Oral Order: (per Sri BRSR,J)

The impugned order passed by the learned single Judge, in our considered opinion, does not suffer from any infirmities requiring our interference in exercise of our Letters Patent jurisdiction.

The appellant herein had chosen to challenge the proceedings in Notice No.A/621/2005 dated 20.5.2005 issued by the 3rd respondent herein calling for the applications for constituting a Trust Board in respect of Sri Shivalayam, Nambala

village, Rebbanna Mandal, Adilabad District. Before the learned single Judge, on the basis of the instructions received, the learned Government Pleader submitted that the temple in question was already registered under Section 43 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987. That issue is not seriously put in debate before us.

The learned counsel for the appellant however submits that the appellant apprehends that after the constitution of the Trust Board, the Trust Board may interfere with his peaceful possession of the private lands in S.Nos.309/3 and 309/4 admeasuring Ac.10.00 situate at Nambala village which according to the learned counsel for the appellant does not belong to the Shivalayam and that they are the personal properties of the appellant. It is required to notice that the learned single Judge has not expressed any opinion on the same and rightly confined himself to the extent of validity of the impugned notice dated 20.5.2005. It is premature at this stage to express any opinion on the question as to whether the lands in question are the personal properties of the appellant or the temple.

That as and when such an occasion arises, it shall always be open to the appellant herein to question the action, if any, initiated with regard to his private lands. The remedies of the appellant are accordingly preserved.

With the observations as above, the writ appeal is disposed of. No costs.

(B.SUDERSHAN REDDY,J)

Dated 27.9.2005

(S.ANANDA REDDY,J)

msv.